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SR-90-91-(59)211 (ASCR/SCW)

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ACADEMIC STANDARDS AND CURRICULA REVIEW COMMITTEE
Recommendation

SR-90-91-(59)211 (ASCR/SCW)

To approve the attached revised Appeals for Academic Sanctions policy.

Comments & Rationale:

Proposed changes in Section V replace Section V A1, A-E, pp 71-72 in current undergraduate catalog.

Proposed section VII replaces all of section VII, pp 74-75 in current undergraduate catalog.

The changes are proposed to simplify the current procedures.

FACULTY SENATE PRESIDENT:

APPROVED
BY SENATE: Kathryn B. Schick DATE: 5/16/91

DISAPPROVED
BY SENATE: _____ DATE: _____

UNIVERSITY PRESIDENT:

APPROVED: Albert J. Finkel DATE: 5/29/91

DISAPPROVED: _____ DATE: _____

COMMENTS:

Amended on the Senate floor.

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APPEALS FOR ACADEMIC SANCTIONS

Academic sanctions are defined in the Board of Regents Policy Bulletin 60 and the Marshall University Undergraduate Catalog.

V. Academic Appeals:

- A. Student Appeals for instructor imposed sanctions: The intent of the appeals process is to treat all parties fairly, and to make all parties aware of the appeals procedure. In the event of final grade appeal, the grade is in effect until the appeal procedure is completed or the problem is resolved.

In those cases in which the student has received an academic sanction, the student shall follow the procedures outlined below:

1. Undergraduate Students:

a. Step I

The student should first attempt a resolution with the course instructor or appropriate administrator. This initial step must be taken within twenty (20) days from the imposition of the sanction, or in the case of an appeal of a final grade in the course, within twenty (20) days of the beginning of the next regular semester. The next regular semester will be the spring semester for the appeal of a grade awarded in the fall semester, and, the fall semester for the appeal of a grade awarded in the spring semester, or summer session I or II.

If the course instructor or appropriate administrator is unavailable for any reason or fails to meet with the student within the above specified time frame, the student may start the appeal process with the department chairperson or the next administrative level person. The student who makes an appeal is responsible for submitting applicable documentation with the appeal.

b. Step II

If the issue is not resolved as specified in Step I, the student may appeal directly in writing to the Chairperson of the Academic Standards and Curricula Review Committee. The Chairperson will refer the matter to the University Academic Appeals Board within five (5) days of receipt of the written appeal.

The Chief Officer of the Appeals Board will forward copies of the written appeal to the appropriate department chair and appropriate academic dean within five (5) days of receipt of the written appeal.

c. Step III

If the student is appealing a final grade, the faculty member must provide all criteria used for determining grades. The hearing panel has the right to seek additional documentation if necessary. The decision of the Appeals Board is binding unless the student wishes to continue the appeal as provided in the Board of Regents Policy Bulletin 60 Section 5.3.4, which provides for "an opportunity to appeal to the president of the institution or his/her designee." Notice of intent to appeal must be made in writing within 10 days of receipt of the written notice of the decision or judgement of the Appeals Board.

VII. Hearing Procedures:

It is the intent of these procedures to insure that all parties of Marshall University receive appropriate due process in academic matters. This intent includes fundamental fairness, just sanction, and all rights in accordance with the belief that academic appeal hearings at an institution of higher education such as Marshall University should have an educational objective.

- A. Academic appeals, pursuant to these procedures, are informal and not adversarial in nature.
1. Within five (5) days of receiving the appeal, the Hearing Officer will schedule a date for a hearing. At least five (5) days prior to the hearing, the Hearing Officer will notify in writing the appellee, appellant, and appropriate parties of the date, time and place of the hearing. A statement of the facts and evidence to be presented in support of the student's grounds for appeal will be provided by the appellee in appropriate cases.
 2. Upon written request, the Hearing Officer may grant a continuance to any party for good cause.
 3. The appellant student and the appellee have the right to an advisor. Advisors must be members of the University community (faculty, staff or student). Advisors may

consult with their advisees. Advisors may not speak on behalf of their advisees or otherwise participate directly in the proceedings unless given specific permission to do so by the Hearing Officer. Attorneys are not permitted to appear on behalf of the appellant or the appellee.

4. Prior to the scheduled hearing, the members of the Appeals Board may convene in closed session to examine the content of the appeal, the specific issues to be considered, and all supporting documents.
5. The student (with his/her advisor if any) will be called before the Board. The Hearing Officer will then restate the nature of the appeal and the issues to be decided.
6. The hearing shall be conducted in closed session. All persons to be called as witnesses, other than the appellant, appellee, and their respective advisors, will be excluded from the hearing room. At the discretion of the Hearing Officer, any other persons remaining in the room after the hearing has begun will be prohibited from appearing as witnesses.
7. Anyone who disrupts the hearing or engages in conduct which substantially delays or disrupts the hearing, will be warned. Persistence in disruptive behavior after due warning will result in exclusion from the hearing room.
8. The hearing will continue in the absence of the expelled person, additional evidence may be collected, and the Board will make a determination based on all the evidence presented. The expelled person may have their advisor speak on their behalf during their absence. A person expelled from the hearing may be readmitted on the assurance of good behavior. Any person who refuses to leave the hearing room after ordered to do so will be subject to appropriate disciplinary action pursuant to Marshall University policy.
9. The Board may admit as evidence any testimony, written documents, or demonstrative evidence which it believes is relevant to a fair determination of the issues. Formal rules of evidence shall not be applicable in academic appeal hearings.
10. Except as provided in 7 and 8 herein, all evidence must be presented in the presence of the student. Persons expelled

from the hearing room for misconduct relinquish the right to be present during the presentation of further evidence.

11. The student or other parties involved may petition the Hearing Officer to request appropriate written information or documents or persons to appear at the hearing.
12. The student will be given the opportunity to testify and present evidence and witnesses on his/her own behalf. The student will be permitted to question the person(s) against whom the appeal is filed.
13. If either the student appellant or the appellee is absent from the hearing without advance explanation satisfactory to the Board, or if either leaves before the conclusion of the hearing without permission of the Board, the hearing may continue. Additional evidence may be presented, and the Board may make a determination based on all the evidence presented at the hearing. At its discretion, the Board may instead choose to dismiss the appeal.
14. Upon completion of the testimony and presentation of evidence, all persons except Board members will be required to leave the room. The Board will meet in closed session to review the evidence presented. The Board shall make its findings based upon a preponderance of evidence. The Board shall make its determination by a majority vote. The result shall be recorded in writing and filed with the Chairperson of the Academic Standards and Curricula Review Committee.
15. If the Board's decision includes the imposition of academic sanction, the sanction given and its duration must be specified for the record. A report of any dissenting opinion may be submitted to the Chairperson of the Academic Standards and Curricula Review Committee by the Hearing Officer. The actual vote of the Board will not be disclosed. The Hearing Officer is a non-voting member of the Board.
16. The findings of the Board and any sanction shall be announced at the conclusion of the hearing. The student, the appropriate faculty and the academic dean shall be notified in writing of the findings and any sanction. A record of the hearing shall be prepared in the form of summary minutes and relevant attachments. A copy of the minutes and attachments will be provided to the student upon request and submitted to the Academic Standards and Curricula Review Committee for its records.

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17. No one, including the student or other persons present at the hearing, may tape the proceedings.
18. The decision of the Board is final except as provided in the Board of Regents Policy Bulletin 60 Section 5.3.4, which provides for "an opportunity to appeal to the president of the institution or his/her designee." When the decision involves changing of an awarded grade, the faculty member and the Registrar will be notified by the Hearing Officer within five (5) days following the hearing. The Registrar will initiate the University's official grade change procedures.

B. Duties and Responsibilities of the Chief Appeals Officer:

1. Log all appeals received.
2. Communicate with college deans and the Student Government Association to maintain lists of individuals for committee membership. The list should be current and updated yearly.
3. Establish a list of faculty qualified (by experience as committee member) and willing to serve as hearing officers.
4. Provide training to new hearing officers and panel members.
5. Arrange for a hearing officer and hearing panel for each appeal within five (5) days of receipt of an appeal. The Chief Appeals Officer may conduct the hearing if necessary.
6. Organize all pertinent materials for an appeal and present the materials and appeal decision to the Chairperson of the Academic Standards and Curricula Review Committee within five (5) days of the conclusion of the hearing.
7. Forward copies of the written appeal to appropriate department chairpersons, or other administrators, and appropriate academic dean.